



January 25, 2006

House Natural Resources, Great Lakes, Land Use, and Environment Committee  
Lansing, Michigan

Re: Water use legislation, SB 850–852, 854, 857

Dear committee members:

The Michigan Environmental Council is a proud member of the Great Lakes, Great Michigan coalition that has been working to put in place comprehensive legislation to protect our natural resources from adverse impacts and minimize conflicts between neighboring water users.

Concerted effort on this critical issue began more than five years ago, with significant contributions from the bipartisan Great Lakes Task Force Report chaired by Sen. Ken Sikkema, and Governor Granholm's proposed Great Lakes Water Legacy Act. We think the current package has built on the strengths of both proposals.

However, we think the legislation should be strengthened to provide a level of protection for our lakes, rivers and streams that reflect their importance to both our economy and our way of life. The three areas where we think should be addressed include diversion protection, encouraging efficient use of water resources, and preventing adverse impacts to our natural resources and wildlife habitat.

**Diversion Protection** - Currently, the only true defense we have against a Great Lakes diversion is the Water Resources Development Act (or WRDA) – a federal law that gives the Governors of the Great Lakes states the authority to veto out-of-basin diversions. That authority has been challenged in a lawsuit filed in the State of Michigan by the Nestle Water Corporation. If the Nestle lawsuit is successful, Michigan will have no ability to prevent an out-of-basin diversion. We urge the committee to provide a first line of defense against diversions by requiring legislative approval for any project that seeks to sell water outside the Great lakes basin.

**Efficient use of water** – Using water efficiently make common sense. It can save a business money and reduces the risk of impacts on our natural resources. It will also be a critical issue if we ever need to fight an unwise diversion of Great Lakes water—If we require the efficient use of water in Michigan, we can mandate a potential diverter of Great Lakes water to show they are also using water efficiently before attempting to divert Great Lakes water. We urge the committee to adopt an amendment that would require each water-using sector to develop generally accepted water management



practices for their industry. Each user within that sector would then certify that they are following those practices when they register their use with the state.

**Resource protection** - The current definition of adverse resource impact focuses narrowly on the impact a water withdrawal would have on fish populations within lakes, rivers and streams. However, it does not address situations such as trees dying from lack of water, backyard ponds being dried up, or impairments on wildlife habitat. This approach could leave Michigan residents exposed to potential wildlife habitat damages to their private property with no avenue of relief. We urge the committee to adopt an amendment that would expand the definition of adverse resource impact to include damages to natural resources located on people's private property caused by a water withdrawal.

We look forward to working with the committee to make sure the water use legislation reflects the high value Michigan residents place on protecting our most precious resource.

Sincerely,

James Clift  
Policy Director

## Great Lakes, Great Michigan

### Endorsing Organizations:

4 Towns Citizens Action Team, Inc.  
Adrian Dominican Sisters  
Alliance for the Great Lakes  
Clean Water Action  
Detroit Audubon Society  
Dwight Lydell Chapter of the Izaak Walton League of America  
Earth Matters Alliance  
East Michigan Environmental Action Council  
Ecology Center  
Friends of the Detroit River  
Friends of the Rouge  
Grand Traverse Baykeeper  
Gray Panthers of Huron Valley  
Gray Panthers of Metro Detroit  
Huron River Watershed Council  
Inner City Christian Federation  
Intercounty Citizen's Action Group  
Kalamazoo Environmental Council  
League of Women Voters of Michigan  
Macomb Land Conservancy  
Macomb NOW  
Michigan Citizens for Water Conservation  
Michigan Division of the Izaak Walton League of America  
Michigan Environmental Council  
Michigan Farmers Union

Michigan Interfaith Power and Light  
Michigan League of Conservation Voters  
Michigan Nature Association  
Michigan Unitarian Universalist Social Justice Network  
Peace and Justice Program of Sister of St. Joseph, Nazareth  
Public Interest Research Group in Michigan (PIRGIM)  
Religion, Ecology and Spirituality  
Republicans for Environmental Protection, Michigan Chapter  
Sierra Club, Mackinac Chapter  
Sisters of the Immaculate Heart of Mary  
The Watershed Center Grand Traverse Bay  
The Women's International League for Peace and Freedom, Detroit Branch  
Tip of the Mitt Watershed Council  
Voices for Earth Justice  
West Michigan Environmental Action Council  
Women in Steel District 2

### Endorsing Businesses:

Bazzani Associates  
Generations Financial Service  
Interface Fabrics  
Lott3Metz Architecture, LLC  
Reusch Design Services, LLC  
Sirius Resources, LLC  
Sustainable Research Group  
Thomas J. Newhouse-Design